

# MEMORANDUM

Agenda Item No.10(A)(6)

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**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

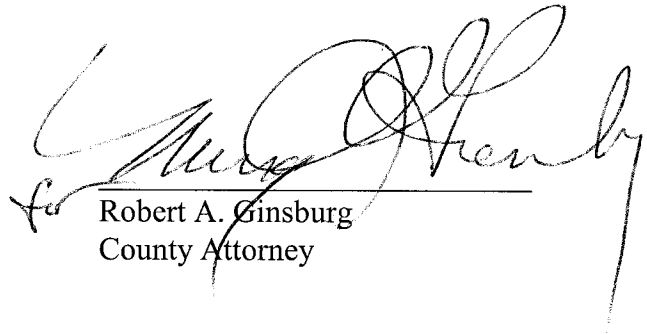
**DATE:** October 7, 2003

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Resolution relating to vehicle  
owner's failing to move  
vehicles from accident sites

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The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Joe A. Martinez.

  
Robert A. Ginsburg  
County Attorney

RAG/jls



# MEMORANDUM

(Revised)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**DATE:** October 7, 2003

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 10(A)(6)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor

Veto \_\_\_\_\_

Override \_\_\_\_\_

Agenda Item No. 10(A)(6)

10-7-03

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING FLORIDA LEGISLATURE TO  
AMEND FLORIDA UNIFORM TRAFFIC CONTROL LAW TO  
INCLUDE COMPENSATORY PENALTIES AGAINST  
VEHICLE OWNERS FAILING TO MOVE VEHICLES FROM  
ACCIDENT SITES ON PUBLIC ROADWAYS AND AGAINST  
VEHICLE OWNERS DESTROYING OR CAUSING  
PERMANENT DAMAGE TO PUBLICLY-OWNED  
VEGETATION OR PLANT LIFE ALONG PUBLIC  
ROADWAYS

**WHEREAS**, automobile accidents on public roadways pose a substantial threat to public safety in Miami-Dade County; and

**WHEREAS**, the threat to public safety is increased when a vehicle owner fails promptly to remove his or her damaged vehicle from the operating lanes of a public roadway, and instead leaves the vehicle in the same location where the accident or damage occurred; and

**WHEREAS**, such conduct by vehicle owners also contributes to traffic delays by closing down otherwise operable lanes of traffic; and

**WHEREAS**, automobile accidents on public roadways, in addition to posing a substantial threat to public safety, also cause substantial damage to public property in Miami-Dade County, including, but not limited to, vegetation and various forms of plant life along the public roadways; and

**WHEREAS**, the State of Florida has regulatory authority through the Florida Uniform Traffic Control Law (Chapter 316 of the Florida Statutes) to enact criminal, civil, and administrative penalties and fines for the violation of traffic laws,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:**

Section 1. This Board urges the Florida Legislature to amend Chapter 316 of the Florida Statutes, more commonly known as the Florida Uniform Traffic Control Law, to include compensatory penalties, payable to the local governmental entity so affected, against the owner of a motor vehicle involved in a traffic accident on the public roadway who fails promptly to remove his or her damaged vehicle from the operating lanes of a public roadway, when damages or injuries to owner so allow, and instead leaves the vehicle in the same location where the accident or damage occurred.

Section 2. This Board further urges the Florida Legislature to amend Chapter 316 of the Florida Statutes to include compensatory penalties, payable to the local governmental entity so affected, against the owner of a motor vehicle involved in a traffic accident causing permanent damage vegetation and various forms of plant life along the public roadways.

Section 3. The Clerk of the Board is directed to transmit a certified copy of this resolution to the Governor, the President of the Senate, the Speaker of the House, and the Chair and members of the Miami- Dade County State Legislative Delegation.

The foregoing resolution was sponsored by Commissioner Joe A. Martinez and offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 7<sup>th</sup> day of October, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Richard B. Rosenthal

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